



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 6, 2004

Ordinance 15031

Proposed No. 2004-0117.3

Sponsors Constantine, Edmonds and Phillips

1 AN ORDINANCE relating to administration and
2 subdivisions and short subdivisions; amending Ordinance
3 13694, Section 42, and K.C.C. 19A.08.070, Ordinance
4 13694, Section 59, and K.C.C. 19A.12.050 and Ordinance
5 13694, Section 8, and K.C.C. 19A.04.060 and adding a new
6 section to K.C.C. chapter 19A.08.

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8
9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 NEW SECTION. SECTION 1. There is hereby added to K.C.C. 19A.08 a new
11 section to read as follows:

12 **Limitations in closed basins.** In a closed basin, as defined by chapters 173-507,
13 173-503, 173-509, 173-510 and 173-515 WAC, an application for further segregation
14 may not be submitted within five years after recording, if the application relies on a
15 public water system created to provide domestic water that uses an exempt well under
16 RCW 90.44.050 or proposes an additional exempt well and the proposed segregation will

17 result in the creation of more than six lots within the boundaries of the original
18 subdivision or short subdivision.

19 SECTION 2. Ordinance 13694, Section 42, and K.C.C. 19A.08.070 are each
20 hereby amended to read as follows:

21 **Determining and maintaining legal status of a lot.**

22 A. A property owner may request that the department determine whether a lot
23 was legally segregated. The property owner shall demonstrate to the satisfaction of the
24 department that, a lot was created, in compliance with applicable state and local land
25 segregation statutes or codes in effect at the time the lot was created, including, but not
26 limited to, demonstrating that the lot was created:

27 1. Prior to June 9, 1937, and ~~((the lot))~~ has been:

28 a. ~~((P))~~provided with approved sewage disposal or water systems or roads ((,
29 ~~or~~)); and

30 b.(1) ~~((C))~~conveyed as an individually described parcel to separate,
31 noncontiguous ownerships through a fee simple transfer or purchase prior to October 1,
32 1972; or

33 ~~((e-))~~ (2) ~~((R))~~recognized prior to October 1, 1972, as a separate tax lot by
34 the county assessor;

35 2. Through a review and approval process recognized by the county for the
36 creation of four lots or less from June 9, 1937, to October 1, 1972, or the subdivision
37 process on or after June 9, 1937;

38 3. Through the short subdivision process on or after October 1, 1972; or

39 4. Through the following alternative means allowed by the state statute or
40 county code:

41 a. ~~((F))~~for the raising of agricultural crops or livestock, in parcels greater than
42 ten acres, between September 3, 1948, and August 11, 1969;

43 b. ~~((F))~~for cemeteries or other burial plots, while used for that purpose, on or
44 after August 11, 1969;

45 c. ~~((A))~~at a size five acres or greater, recorded between August 11, 1969, and
46 October 1, 1972, and did not contain a dedication;

47 d. ~~((A))~~at a size twenty acres or greater, recognized prior to ~~((the effective date~~
48 ~~of this title))~~ January 1, 2000, provided, however, for remnant lots not less than seventeen
49 acres and no more than one per quarter section;

50 e. ~~((U))~~upon a court order entered between August 11, 1969, to July 1,
51 ~~((1947))~~ 1974;

52 f. ~~((F))~~through testamentary provisions or the laws of descent after August 10,
53 1969;

54 g. ~~((F))~~through an assessor's plat made in accordance with RCW 58.18.010
55 after August 10, 1969;

56 h. ~~((A))~~as a result of deeding land to a public body after April 3, 1977, and that
57 is consistent with King County zoning code, access and board of health requirements so
58 as to qualify as a building site pursuant to K.C.C. 19A.04.050; or

59 i. ~~((B))~~by a partial fulfillment deed pursuant to a real estate contract recorded
60 prior to October 1, 1972, and no more than four lots were created per the deed.

61 B. In requesting a determination, the property owner shall submit evidence,
62 deemed acceptable to the department, such as:

- 63 1. Recorded subdivisions or division of land into four lots or less;
- 64 2. King County documents indicating approval of a short subdivision;
- 65 3. Recorded deeds or contracts describing the lot or lots either individually or as
66 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
- 67 4. Historic tax records or other similar evidence, describing the lot as an
68 individual parcel. The department shall give great weight to the existence of historic tax
69 records or tax parcels in making its determination.

70 C. Once the department has determined that the lot was legally created, the
71 department shall continue to acknowledge the lot as such, unless the property owner re((-
72))aggregates or merges the lot with another lot or lots in order to:

- 73 1. Create a parcel of land that would qualify as a building site, or
- 74 2. Implement a deed restriction or condition a covenant or court decision.

75 D. The department's determination shall not be construed as a guarantee that the
76 lot constitutes a building site as defined in K.C.C. 19A.04.050.

77 E. Re((-))aggregation of lots after January 1, 2000, shall only be the result of a
78 deliberate action by a property owner expressly requesting a permanent merger of two or
79 more lots.

80 SECTION 3. Ordinance 13694, Section 59, and K.C.C. 19A.12.050 are each
81 hereby amended to read as follows:

82 **Limitations for short subdivisions.**

83 A. Inside the Urban Growth Area, a maximum of nine lots may be created by a
84 single application. Outside the Urban Growth Area, a maximum of four lots may be
85 created by a single application.

86 B. An application for further segregation may not be submitted within five years
87 after recording, except through the filing of a subdivision application or unless the short
88 plat contains fewer than nine lots inside the Urban Growth ~~((a))~~Area or fewer than four
89 lots outside the Urban Growth Area, in which case an alteration application may be
90 submitted to create a cumulative total of up to nine lots inside the Urban Growth Area or
91 up to four lots outside of the Urban Growth Area within the original short plat boundary.

92 C. A maximum of ~~((eighteen))~~ nine lots inside the Urban Growth Area or eight
93 lots outside the Urban Growth area may be created from two or more contiguous parcels
94 with any common ownership interest.

95 SECTION 4. Ordinance 13694, Section 8, and K.C.C. 19A.04.060 are each
96 hereby amended to read as follows:

97 **Building site.** Building site: ~~((a parcel))~~ an area of land, consisting of one or more
98 lots or portions ~~((thereof))~~ of lots, that is:

99 A. ~~((e))~~Capable of being developed under current federal, state, and local statutes,
100 including~~((z))~~ zoning and use provisions, dimensional standards, minimum lot area,
101 minimum lot area for construction, minimum lot width, shoreline master program

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102 provisions, ((~~sensitive~~)) critical area provisions((~~;~~)) and health and safety provisions; or

103 B. Currently legally developed.

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Ordinance 15031 was introduced on 3/8/2004 and passed as amended by the
Metropolitan King County Council on 9/27/2004, by the following vote:

Yes: 7 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Ms.
Patterson and Mr. Constantine

No: 4 - Ms. Lambert, Mr. McKenna, Mr. Hammond and Mr. Irons

Excused: 2 - Mr. von Reichbauer and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this 29th day of September, 2004.

Attachments None